REMARKS

The Office Action mailed June 5, 2006 considered claims 1-38. Claims 1-3, 5-8, 10-15 17-22, 24-27, 29, 31-35, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pahlavan et al ("Handoff in Hybrid Mobile Data Networks") ("*Pahlavan*")in view of Fox et al (US 6,654,786) ("*Fox*"). Claims 12-20, 22, 24, 27, 29, 31-33 and 35 are rejected under the same rationale as claims 1-3, 5-8, 10 and 11, and thus will not be argued separately. Claims 4, 23, 26, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Pahlavan* in view of *Fox* and in further view of West et al. (US 6,449,722) ("*West*"). Claims 9, 16, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Pahlavan* in view of *Fox* and in further view of Hibbard (US 2001/0056503) ("*Hibbard*").[1]

By this paper, claims 1, 6, 12-14, 21-25, 31, 37, and 38 have been amended and claim 39 is new.[2] Claims 5 and 7 have been cancelled. Accordingly, claims 1-4, 6, and 8-38 are pending, of which claims 1, 11, 12 and 20 are the only independent claims at issue.

The claims of the present invention are generally directed to embodiments in which a wireless device receives notifications from a server over first and second channels, wherein the first channel is a low capacity channel, such as SMS, and wherein the second channel is a high capacity channel comprising the Internet, which is not always available. For example, claim 1 defines communicating with a wireless device over a low capacity channel and over which notifications are by default sent from a notification server to the wireless device. Next, claim 1, defines receiving from the wireless device, via the low capacity channel, an address of a network device connected to a high capacity channel comprising the internet. The network device address is sent from the wireless device over the low capacity channel to indicate to the notification server that the wireless device has connected with the network device such that notifications for the wireless device are to be routed to the address of the network device over the high capacity channel comprising the internet. Next, claim1 defines receiving notice that the wireless device has access to the high capacity channel comprising the internet through the network device.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to page 12, line 10 – page 17, line 12, Figure 3, and cancelled claim 7.

Lastly, claim 1 defines temporarily rerouting notifications that are to be sent to the wireless device over the low capacity channel to now be sent to the wireless device over the high capacity channel comprising the internet and until it is at a later time determined that the wireless device no longer has access to the high capacity channel. At which later time, notifications will resume being sent to the wireless device over the low capacity channel. The high capacity channel has an availability that is less than an availability of the low capacity channel and wherein the temporarily rerouting notifications occurs whenever the high capacity channel is available to the wireless device.

Claims 12 recite methods similar to claim 1 using functional language. Claims 22 and 20 are directed to corresponding computer program product claims for implementing the methods recited in claims 1 and 12, respectively.

35 USC 103 Rejections

Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Pahlava* in view of *Fox*.

Pahlavan generally describes protocols and timing algorithms to be used when for inter-tech handoffs in hybrid mobile data networks. *Pahlavan* teaches switching between General Packet Radio Service (GPRS) and Wireless Local Area Newtork (WLAN) connections (p. 35, col. 1). For example, handoff algorithms can be utilized to transition communications from GPRS infrastructure to WLAN infrastructure and vice versa. (p. 45, col. 1, para. 2). As a mobile host moves into and out of range of a WLAN (and correspondingly out of and into the GPRS area) the IP address of the mobile host can take that of visting IP address or home IP address respectively. (p. 45, col. 1, para. 2).

Fox discloses an embodiment in which a GSM wireless network switches channels between a main channel and an IWF channel.[3]

However, the cited are fails either singly or in combination to disclose or otherwise suggest receiving from a wireless device, via the low capacity channel, an address of a network device connected to a high capacity channel comprising the internet, the network device address sent from the wireless device over the low capacity channel to indicate to the notification server

[3] In a prior Examiner interview, it was established that the IWF channel in Fox is not the internet, particularly since Fox discloses that the IWF channel is more expensive than the main channel, and inasmuch as the present application makes it clear that the second high capacity channel, such as the Internet, is less expensive than the first channel. (Fox Col. 12, ll. 46-54, Application p. 4, ll. 11-12).

that the wireless device has connected with the network device such that notifications for the wireless device are to be routed to the address of the network device over the high capacity channel comprising the internet, as recited in claim 1. In view of the forgoing, and at least for this reason, applicants submit that amended claim 1 patentably defines over the prior art of record.

In view of the forgoing, and at least for the same reason, applicants submit that claims 11, 12 and 20 also patentably define over the prior art of record. Applicants further submit that each of the dependent claims also distinguish over the prior art of record because each of the dependent claims depend form one of claims 1, 11, 12, and 20. However, Applicants further submit that a number of the dependent claims also independently distinguish over the prior art of record. For example, the cited art does not disclose or otherwise suggest the recitations of claim 39.

35 USC 101 Rejections

Claims 31-36 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 31 was amended to include a *physical* computer readable medium. Thus applicants submit that claim 31 (and corresponding dependent claims 32-36) now recited a tangible embodiment. Accordingly, applicants respectfully submit that the 35 U.S.C. 101 rejections be withdrawn

35 USC 112 Rejections

Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have reviewed claims 1-38 to identify and remove any lack of antecedent basis. As a result, claims 1, 6, 12-14, 21-25, 28, 31, 37, and 38 have been amended to remove any lack of antecedent basis. Accordingly, applicants respectfully submit that the 35 U.S.C. 112, second paragraph, rejections be withdrawn

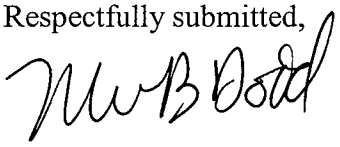
In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the

future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 18th day of September, 2006.

Respectfully submitted,



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